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Nigel Richardson

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EXAMINER

DANIELS, ANTHONY J

ART UNIT

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,748	Applicant(s) RICHARDSON ET AL.	
	Examiner ANTHONY J. DANIELS	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6,8-10,14,15,17,18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Bronson (US # 6,384,863).

As to claim 1, Bronson teaches a mobile communication station (Figure 1A; Col. 3, Lines 11-20; *{The examiner submits that instructions executed by the microprocessor can be broadly interpreted to be communication.}*) including a camera (Figure 1A, unnumbered sensor inside lens assembly “200”) and having a grip for being gripped by a user during use of the communication station (Figure 1A, hand grip “100”), the grip having a first compact configuration and a second configuration in which the grip is expanded relative to the first configuration to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Figure 1A and Figure 1B).

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As to claim **2**, Bronson teaches a mobile communication station as claimed in claim 1, wherein the communication station has a body portion to which the grip is attached and with respect to which the grip is movable (Figure 1B, lens assembly “200”).

As to claim **3**, Bronson teaches a mobile communication station as claimed in claim 2, wherein the body portion-houses operational components of the communication station (Col. 2, Lines 45-49).

As to claim **4**, Bronson teaches a mobile communication station as claimed in claim 3, wherein the body portion includes the camera (Col. 2, Lines 45-49).

As to claim **5**, Bronson teaches a mobile communication station as claimed in claim 3, wherein user input and/or output components of the communication station are exposed on the surface of the body portion (Figure 1A, fill-in flash “150”).

As to claim **6**, Bronson teaches a mobile communication station as claimed in claim 2, wherein the grip is rotatable relative to the body portion (Figure 1A, telescoping and rotating device “160”).

As to claim **8**, Bronson teaches a mobile communication station as claimed in claim 4, wherein the grip is rotatable relative to the body portion about an axis substantially perpendicular to the direction in which the camera points, so as to project from the body portion (Figure 1A).

As to claim **9**, Bronson teaches a mobile communication station as claimed in claim 8, wherein in at least one rotational position the grip extends continuously from the body in the direction of the axis of rotation (Figure 1B).

As to claim **10**, Bronson teaches a mobile communication station as claimed in claim 2, wherein the grip is slidable relative to the body portion (Figure 1A and Figure 1B).

As to claim **14**, Bronson teaches a mobile communication station as claimed in claim 1, wherein user input and/or output components of the communication station are exposed on the surface of the grip (Figure 2A, buttons “210”).

As to claim **15**, Bronson teaches a mobile communication station as claimed in claim 14, wherein the grip portion is movable relative to the direction in which the camera points so as to be capable of adopting a position in which the user input and/or output components of the communication station are exposed on the surface of the grip face in substantially the opposite direction to that in which the camera points (Figure 2A and Figure 2B).

As to claim **17**, Bronson teaches a mobile communication station as claimed in claim 1, wherein the grip houses operational components of the mobile communication station (Figure 1A, memory device “180”).

As to claim **18**, Bronson teaches a mobile communication station as claimed in claim 17, wherein the grip is electrically connected to the main body of the mobile communication station (Col. 2, Line 66 - Col. 3, Line 8).

As to claim **22**, Bronson teaches a mobile communication station as claimed in claim 1, including gaming or editing functions (Col. 2, Lines 66 and 67; *{Compression is a form of editing.}*).

2. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schelling (US # 5,970,265).

As to claim **1**, Schelling teaches a mobile communication station (Figure 1) including a camera (Figure 1, camera “10”) and having a grip for being gripped by a user during use of the

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communication station (Figure 1, handle “14”), the grip having a first compact configuration and a second configuration in which the grip is expanded relative to the first configuration to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Figure 1 and Figure 2).

As to claim **2**, Schelling teaches a mobile communication station as claimed in claim 1, wherein the communication station has a body portion to which the grip is attached and with respect to which the grip is movable (Figure 1 and Figure 2).

As to claim **3**, Schelling teaches a mobile communication station as claimed in claim 2, wherein the body portion-houses operational components of the communication station (Figure 1, lens in taking lens opening).

As to claim **4**, Schelling teaches a mobile communication station as claimed in claim 3, wherein the body portion includes the camera (Figure 1, camera “10”).

As to claim **7**, Schelling teaches a mobile communication station as claimed in claim 4, wherein the grip is rotatable relative to the body portion about an axis substantially parallel to the direction in which the camera points, so as to project from the body portion (Figure 1).

3. Claims 1,11 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Knighton et al. (US # 7,359,003) – first embodiment.

As to claim **1**, Knighton et al. teaches a mobile communication station (Figure 6) including a camera (unnumbered ISA) and having a grip for being gripped by a user during use of the communication station (Figure 6C, grip “102”), the grip having a first compact configuration (Figure 6C) and a second configuration in which the grip is expanded relative to

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the first configuration to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Figure 6D).

As to claim **11**, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein the grip has a core portion and at least one outer wall movable away from the core portion, and wherein in moving from the first compact configuration to the second expanded configuration the or each wall is moved away from the core portion (Figure 6C and Figure 6D; breach “130”).

As to claim **16**, Knighton et al. teaches a mobile communication station as claimed in claim 1, wherein changing the configuration of the grip from the first compact configuration to the second expanded configuration makes available an additional user interface for controlling the operation of the mobile communication station (Figure 2, pointer button “208”).

4. Claims 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Knighton et al. (US # 7,359,003) – second embodiment.

As to claim **1**, Knighton et al. teaches a mobile communication station (Figure 10 and Figure 11) including a camera (unnumbered ISA) and having a grip for being gripped by a user during use of the communication station (Figure 10, visor “1010”; *{The examiner interprets the grip as the visor.}*), the grip having a first compact configuration and a second configuration in which the grip is expanded relative to the first configuration to improve the grip of the user on the communication station when the grip is in the second expanded configuration (Col. 6, Lines 31-34, “...open and closed position...”).

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5. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Inuma et al. (US # 6,549,237).

As to claim **19**, Inuma et al. teaches a mobile communication station (Figure 1) having a body that is relatively elongate about an axis (Figure 1), the body comprising two portions (Figure 1, body of the image sensing device and LCD "3") which are mechanically coupled to each other by a linkage that permits rotation of one of the portions relative to the other about an axis substantially parallel to the said axis (Figure 1 and Figure 2) and prevents rotation of each portion relative to the other about other axes (*The LCD can rotate along an axis that is perpendicular to the length of the device, but cannot rotate on axes that are between 0 and 90 degrees with respect to the length of the device.*).

As to claim **20**, Inuma et al. teaches a mobile communication station as claimed in claim 19, wherein one of the portions includes a camera (Figure 4, image sensing device "7").

As to claim **21**, Inuma et al. teaches a mobile communication station as claimed in claim 20, wherein the other of the portions includes a display (Figure 4, LCD "3").

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bronson (US # 6,384,863) in view of Anderson et al. (US # 6,636,259).

As to claim **12**, Bronson teaches a mobile communication station as claimed in claim 1. The claim differs from Bronson in that it further requires that the mobile communication station is capable of operating as a mobile telephone.

In the same field of endeavor, Anderson et al. teaches a digital camera that has a built in cellular phone (Col. 4, Lines 47-54). In light of the teaching of Anderson et al., it would have been obvious to one of ordinary skill in the art to include the cellular phone in the camera of Bronson, because this would allow the user to transmit images without having to upload them first to a PC.

2. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knighton et al. (US # 7,359,003) in view of Anderson et al. (US 6,636,259).

As to claim **12**, Knighton et al. teaches a mobile communication station as claimed in claim 1. The claim differs from Knighton et al. in that it further requires that the mobile communication station is capable of operating as a mobile telephone.

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In the same field of endeavor, Anderson et al. teaches a digital camera that has a built in cellular phone (Col. 4, Lines 47-54). In light of the teaching of Anderson et al., it would have been obvious to one of ordinary skill in the art to include the cellular phone in the assembly of Knighton et al., because this would allow th user to transmit images without having to upload them first to a PC.

As to claim **13**, Knighton et al., as modified by Anderson et al. teaches a mobile communication station as claimed in claim 12, the mobile communication station is capable of sensing relative motion of at least a part of the grip portion and another part of the mobile communication station, and in response switching from a first operating mode to a second operating mode (see Knighton et al., Col. 6, Lines 34-40).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD

3/26/2009

/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2622